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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/033,716 | 12/27/2001 | Anthony L. Fontaine | 10407/559 | 8636 |
| 30076 | 7590 | 11/04/2005 | EXAMINER | |
| BROWN RAYSMAN MILLSTEIN FELDER & STEINER, LLP 1880 CENTURY PARK EAST 12TH FLOOR LOS ANGELES, CA 90067 | | | BAYAT, BRADLEY B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3621 | |

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/033,716 | Applicant(s) FONTAINE ET AL. | |
| | Examiner Bradley B. Bayat | Art Unit 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 5, 2005 has been entered.

Status of Claims

Claims 1, 30, 35, 41 and 43 have been amended in the above noted response. Thus, claims 1-21, 23, 24, 26-68 and 70-76 remain pending.

Response to Arguments

Applicant's arguments with respect to the above noted claims have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection addresses applicant's amendment to the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21, 23, 24, 26-68 and 70-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. (hereinafter Goertzel, US 6,308,273 B1) in view of Mark (US 5,732,133).

Art Unit: 3621

1. (Currently amended)

Goertzel discloses a system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising (column 1, line 55-column 2, line 13):

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (figure 4, 68 remote access server);
- an authenticator for authenticating the location of the user responsive to receipt of a processed request from the access server, the authenticator adapted to be connected to the access server (figure 4, 71 location detection mechanism);
- means for interconnecting the access server and the authenticator (column 5, figure 5A-B, 528 lookup number in database; column 7, line 55-column 8, line 4).

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location.

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security

Art Unit: 3621

techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

Goertzel further discloses:

2. The system of claim 1, wherein the authenticator comprises an authenticating server (figure 14 and associated text).
3. The system of claim 1, wherein the authenticator includes means for determining the identity of the user (column 8, lines 5-13).
4. The system of claim 1, further comprising means for insuring the user's presence at the location (column 10, lines 38-52)).
- 5, 44. The system of claim 1, further comprising means for enabling the user to request remote access to the application server (figure 1 and associated text, 49 remote computer).

Art Unit: 3621

6. The system of claim 1, wherein the interconnecting means comprise a network (figure 1 and associated text).

7,45. The system of claim 2, wherein the authenticating server includes a database of authorized locations, for enabling verification of the location of the user as an authorized user location (figure 4, database or registered numbers 74)

8. The system of claim 2, wherein the authenticating server comprises a Remote Access Dial-In User Service (RADIUS) server (figure 5B).

9, 36. The system of claim 3, wherein the user identity determining means comprise a challenge and response system (column 16, lines 35-47; figure 13).

10,42,57. The system of claim 4, wherein the user presence insuring means comprise a card for identifying the user, and a reader for reading the user identifying card, adapted to be connected to the user access request enabling means at the user location (column 3-4).

11. The system of claim 5, wherein the user request enabling means comprise an interface station (figure 1 and associated text, API 36, monitor 47).

Art Unit: 3621

12. The system of claim 5, wherein the user request enabling means comprise a client (column 4, lines 5-49).

13. The system of claim 5, wherein the user request enabling means include a location identifier (column 4, lines 50-column 6, line 50).

14, 37. The system of claim 5, wherein the authenticating means are adapted to issue a security challenge to the user request enabling means, and the user request enabling means are further adapted to interrogate the security challenge, to generate a response, and to transmit the response to the authenticator (column 16-17).

15, 46. The system of claim 5, wherein the user request enabling means include an identifier associated with the user's location, and the authenticator comprises means for authenticating the identifier associated with the user's location (column 4, lines 50-column 6, line 50).

16. The system of claim 5, wherein the user request enabling means include a dialer, located at the user's location, and wherein the dialer includes a number associated therewith (Figure 5B)

17, 47. The system of claim 5, wherein the user request enabling means comprise a plurality of user request enabling means, and the interconnecting means comprise a network comprising an intranet which includes at least one local area network, adapted to interconnect at least one of the plurality of user request enabling means and the access server (figures 1, 2, and associated text).

18. The system of claim 5, wherein the interconnecting means are further adapted to interconnect the user request enabling means (figure 1, 2 and associated text).

19. The system of claim 6, wherein the network comprises an intranet (figure 2 and associated text).

20. The system of claim 6, wherein the network comprises the Internet (figure 2 and associated text).

21, 38. The system of claim 8, further comprising means for enabling the user to request remote access to the application server, wherein the authenticating server is further adapted to issue a security challenge to the user request enabling means (see above cited corresponding sections).

23, 31. The system of claim 16, wherein the authenticator comprises a number identifier for identifying the number associated with the dialer located at the user's location (see above cited corresponding sections).

24, 32. The system of claim 16, wherein a dialing system includes a plurality of numbers each associated with one of a plurality of dialers adapted to enable dialing therefrom and each dialer associated with a different user location, and the authenticator further comprises means for identifying the first number dialed from in the dialing system (column 1).

26, 39. The system of claim 21, wherein the user request enabling means are adapted to issue a response to the security challenge, and the authenticating means include a database for enabling verification of the response of the user request enabling means to the security challenge (see above cited corresponding sections).

27, 33. The system of claim 23, wherein the number identifier comprises Automatic Number Identification (column 7, lines 55-59).

28, 34. The system of claim 24, wherein the first number identifying means comprises Dialed Number Identification Services (Figure 5B).

29, 40. The system of claim 26, wherein the authenticator is further adapted to verify the response of the user request enabling means to the security challenge based on the database in the authenticator, and to authorize access to the application server (see above cited corresponding sections).

30, 35. (Currently Amended)

Goertzel discloses a system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user

Art Unit: 3621

location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, the authenticator adapted to be connected to the access server, the authenticator including a Remote Access Dial-In Service (RADIUS) server (see above cited corresponding sections);
- means for interconnecting the access server and the authenticator (see above cited corresponding sections); and
- means for enabling the user to request remote access to the application server, such means including a dialer, located at the user's location, wherein the dialer includes a dialing number associated therewith; and (see above cited corresponding sections)

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location.

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security

Art Unit: 3621

techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

41. (Currently Amended)

Goertzel discloses a system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server (see above cited corresponding sections);

Art Unit: 3621

- means for interconnecting the access server and the authenticator (see above cited corresponding sections); and
- means for insuring user's presence at the location (see above cited corresponding sections).

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location.

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

Art Unit: 3621

43. (Currently Amended)

Goertzel discloses a system for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising:

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (see above cited corresponding sections);
- an authenticating server for authenticating the location of the user responsive to receipt of the processed request from the access server (see above cited corresponding sections);
- and
- a network for interconnecting the access server and the authenticating server (see above cited corresponding sections)

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location.

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security

Art Unit: 3621

techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

48. (Currently Amended)

Goertzel discloses a method of enabling remote access to an application server, upon authentication of a location from which a user has sought access thereto as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, in a system which comprises an access server, for receiving and processing a request for access to the application server from user request enabling means, adapted to be located remote from the user's location, an authenticator for authenticating the location of the user responsive to receipt of the processed request from the access server, adapted to be connected to the access server, and means for interconnecting the access server and the authenticator, wherein the method comprises:

Art Unit: 3621

- requesting an access server to enable a user at a user's location to access the application server (see above cited corresponding sections)
- authenticating the location of the user in the authenticator (see above cited corresponding sections); and
- determining in the authenticator whether to enable the user to access the application server based on the authenticating of the user's location (see above cited corresponding sections); and

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location.

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to

Art Unit: 3621

accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

Claims 22, 25 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goertzel et al. (hereinafter Goertzel), U.S. Patent 6,508,710 B1.

Goertzel discloses a system/method for enabling remote access to an application server, upon authentication of a location from which a user has sought access as an authorized location, for enabling processing of a transaction requiring user location authentication, wherein the user location includes means for enabling the user to request remote access to the application server, the system comprising (column 1, line 55-column 2, line 13):

- an access server, for receiving and processing a request for access to the application server from a user request enabling means, the server adapted to be located remote from the user's location (figure 4, 68 remote access server);
- an authenticator for authenticating the location of the user responsive to receipt of a processed request from the access server, the authenticator adapted to be connected to the access server (figure 4, 71 location detection mechanism);
- means for interconnecting the access server and the authenticator (column 5, figure 5A-B, 528 lookup number in database; column 7, line 55-column 8, line 4).

Goertzel does not explicitly disclose a first number authentication mechanism, wherein the first number authentication mechanism provides anti-circumvention protection that prevents activation of a dialer from a location other than the user location. Furthermore, as per claims 22, 25 and 69, Goertzel fails to explicitly disclose that the user location identifier comprises a cookie.

Art Unit: 3621

Mark, however, teaches a communication system and method wherein the an auto-dialer suitable for use as a smartcard is capable of transmitting and receiving information over communication lines (e.g., database, auto-dialer and phone line) wherein programming and features of the auto-dialer can be individually enabled or disabled in response to pre-selected signals (column 5, lines 52-60). Furthermore, Mark teaches various encoding and security techniques to increase security when placing a call and/or confidential data while preventing unauthorized access and prevention of an auto-dialer utilizing a signal detector mechanism (columns 11-12).

It would have been obvious to one of ordinary skill in the art, at the time of the invention to modify the security location discrimination system and methods disclosed by Goertzel and further utilize the signal detection mechanism of Mark, in order to circumvent unauthorized access to secure systems and provide verification of identity and location information to accommodate wireless portable small devices and comply with state regulations involving access and use of data and remoter services (column 5, lines 10-51).

A cookie is a block of data that a server returns to a client in response to a request from the client and commonly used to identify a user and is thus old and well known in the computer art. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a cookie as part of the authentication process to efficiently verify the location information of a returning user for enabling access.

US references 6,715,080; 6,606,708; 6,511,339 further support the examiner's contention that the use of a cookie for the above noted purpose is well-known in the art.

Art Unit: 3621

Corresponding claims 49-76 are directed to a method of the above claimed invention and are therefore rejected as above.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner. A response by the applicant that a specific portion cited does not teach the invention is deemed non-responsive. Rather, the applicant should consider the reference as a whole in formulating a response.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 2002/0041666 A1 to Mastro et al.
- US 6,167,130 to Rosen.
- US 6,935,952 B2 to Walker et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

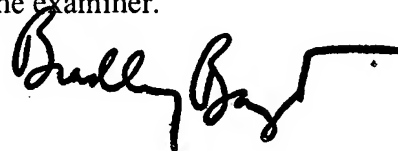
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

A handwritten signature in black ink, appearing to read "Bradley Bayat", with a stylized flourish at the end.

Bradley B. Bayat, Esq.
Technology Center
Art Unit 3621